

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3019
	)	
v.	)	
	)	MEMORANDUM AND ORDER
CLARENCE D. HERGERT,	)	
	)	
Defendant.	)	

The defendant has moved to continue the pretrial motion deadline previously set for June 30, 2010. Filing No. 32. Defense counsel explains that due to the volume of information to be reviewed, the complexity of the legal issues, the press of other matters for attorney Achepohl, the deployment of Attorney Chris Ferdico to Iraq, and computer programming flaws and errors, additional time is needed to determine whether pretrial motions should be filed and to prepare any such motions. Counsel for the government does not oppose the defendant's motion. The court finds the defendant's motion should be granted.

IT IS ORDERED:

- 1) Defendant's unopposed motion to continue, (filing no. 32), is granted and defendant's pretrial motions and briefs shall be filed on or before August 16, 2010.
- 2) As previously determined, (see filing no. 9, ¶ 6), this case is "unusual and complex;" it would be unreasonable for the court to require counsel and the parties to be ready for trial within the time restrictions of the Speedy Trial Act; and therefore this case is exempted from the time restrictions of that Act. See 18 U.S.C. 3161(h)(7)(B)(ii)

DATED this 17<sup>th</sup> day of June, 2010.

BY THE COURT:  
s/ Cheryl R. Zwart  
United States Magistrate Judge